

February 11, 2009

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: Permitted Oral *Ex Parte* Presentation  
IB Docket Nos. 05-20, 07-101 and RM-11429

Dear Ms. Dortch:

On February 10, 2009, representatives of The Boeing Company met with Paul Murray, Legal Advisor to Acting Chairman Michael Copps, to discuss the need to adopt service rules in IB Docket 05-20 for the Aeronautical Mobile-Satellite Service ("AMSS"). Participating in the meeting for Boeing were Audrey Allison, Alan Rinker and the undersigned.

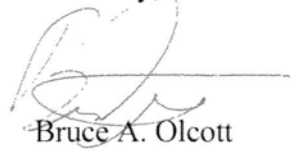
During the meeting, Boeing indicated that increased interest within the satellite industry in providing Fixed-Satellite Services ("FSS") to airborne platforms has heightened the need to adopt rules that help facilitate and protect AMSS in the Ku-band. Boeing further observed that the comments that were filed in the AMSS proceeding reflect general uniformity within the satellite industry in support of the adoption of AMSS service rules. Therefore, the AMSS proceeding is an optimal candidate for resolution during the transition period before a new FCC Chairman takes office.

The discussion during the meeting largely reflected the attached talking points, which were distributed during the meeting. Boeing acknowledged that the Commission could consider completing the AMSS proceeding on a concurrent track with the pending proceeding regarding Vehicle Mounted Earth Stations (IB Docket 07-101). The attached talking points also make reference to the interrelationship between the AMSS proceeding and a petition for rulemaking that was filed by the Utilities Telecom Council and Winchester Cator, LLC.

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Please contact the undersigned if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bruce A. Olcott", with a long horizontal flourish extending to the right.

Bruce A. Olcott

## AERONAUTICAL MOBILE SATELLITE SERVICE

### THE BOEING COMPANY

IB Docket 05-20

February 10, 2009

- AMSS networks are already used in the United States to serve the critical communications needs of major corporate executives and the highest levels of the federal government.
- The widespread commercial availability and use of AMSS networks to accommodate the general public's desire for 24/7 connectivity cannot be too far in the future.
- Boeing urges the Commission to adopt service rules for aeronautical mobile-satellite services ("AMSS") covering network operations and license application requirements.

***The Problem*** -- The time required to process and grant AMSS applications is increasing.

- 12 months to process and grant Boeing's AMSS transmit application.
  - 19 months to process and grant ARINC's AMSS application.
  - 23 months to process and grant Viasat's AMSS application.
  - In contrast, less than 8 months on average to process and grant a satellite license.
- The delay primarily results from uncertainty and disputes regarding the necessary elements of an AMSS application. AMSS applicants must borrow and adapt rules for other services.

***The Solution*** -- Adopt service rules for AMSS that generally mirror those adopted for earth stations onboard vessels ("ESVs"), while taking into consideration the rules adopted in the Part 25 proceeding, and proposed in the vehicle-mounted earth station ("VMES") proceeding.

- Widespread industry support exists for adopting service rules that permit primary operations of AMSS networks in the Ku-band.
  - The AMSS rulemaking docket includes detailed comments from all segments of the satellite industry that were remarkably consistent in their support for AMSS rules.
  - The VMES rulemaking docket also includes comments expressing support for permitting AMSS to operate using the same rules that were proposed for VMES.
- The AMSS and VMES proceedings could be concluded in one order, possibly following a public notice seeking additional comment to refresh and update the record.
- The need for service rules for AMSS and VMES is heightened by the pending UTC/Winchester Cator proposal to add a secondary fixed service ("FS") allocation in the Ku-band.
  - The Commission should delineate the interference protection levels that must be afforded by secondary FS links to AMSS and VMES systems.
  - This can best be achieved by designating AMSS and VMES as primary applications of the fixed satellite service ("FSS") allocation in the Ku-band.